

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

HEALTH REPUBLIC INSURANCE  
COMPANY,

Plaintiff,  
on behalf of itself and all others  
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 16-259C

Judge Sweeney

**PLAINTIFF'S MOTION FOR LEAVE TO DISTRIBUTE FUNDS**

On July 23, 2020, the Court entered a Rule 54(b) judgment in favor of the Non-Dispute Subclass in this matter, with the subclass owed a net amount of \$1,903,662,047.19, to be divided in accordance with the schedule found in Exhibit A to the Court's order. Dkt. 82. Currently pending before the Court is class counsel's motion for approval of its attorney's fee request and class representative incentive award. Dkt. 84. Class counsel requested 5% of the judgment as an attorney's fee, with a class representative incentive award to be drawn from the fee awarded to class counsel. *Id.* at 33-34.

On October 13, 2020, JND Legal Administration, the claims administrator retained by class counsel, received payment for the full net amount owed to the Non-Dispute Subclass from the United States Department of Treasury Judgment Fund. JND Legal Administration is currently making preparations to distribute funds in accordance with the Court's order. Although class counsel's attorney's fee motion is still pending, Plaintiff and class counsel do not believe that there is any reason to delay distribution of funds to the class. Specifically, Plaintiff seeks leave for the claims administrator to distribute 95% of the funds paid pursuant to the judgment, while holding the remaining 5% in escrow pending resolution of the fee petition. Plaintiff

proposes that the fees be distributed *pro rata*, with each class member receiving 95% of the funds owed to them, as set forth in Exhibit A to this motion.

Plaintiff and class counsel seek leave of Court to proceed with distributing 95% of the class funds now. They believe that is the most efficient and expeditious manner of distributing funds pursuant to the Court's judgment, because it will ensure that class members receive the funds by year's end. Class counsel has conferred with the government, which indicated that it takes no position on this request.

Dated: October 15, 2020

Respectfully submitted,

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Healthcare Cooperative and the Class*